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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,007

07/08/2003

Liming Lau

GUID-032

8189

36154 7590 03/17/2008
LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

EXAMINER

GILBERT, SAMUEL G

ART UNIT

PAPER NUMBER

3735

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/615,007	Applicant(s) LAU ET AL.	
	Examiner Samuel G. Gilbert	Art Unit 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 102-113 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 102-113 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/25/2005, 12/2/2003, 10/16/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It was not executed in accordance with either 37 CFR 1.66 or 1.68.

The declaration filed 7/8/2003 was not properly executed because eight inventors are listed but have not signed the declaration. The declaration filed 5/3/2004 has been signed by only Limming Lau and John P. Lunsford. The other six listed inventors failed to execute the declaration.

Information Disclosure Statement

The information disclosure statements filed 1/21/2005, 12/02/2003 and 10/16/2003 have been considered.

References B3, B9, and B11 have been lined through because a concise explanation of the relevance have not been provided, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

References C25, C28, C42, C43, C57, C60, C69, C73 have not been considered because a proper date has not been provided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 102-113 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharrow et al (2003/0139646).

Sharrow teaches suction member, the suction cups, -12- and -32- for example may be made of silicone, paragraph [0032] and that the compliant seal, -18- or -38- for example, may be adhesively bonded or mechanically bonded to the suction cup [0033]. The seal may be silicone as set forth in paragraph [0027]. The seal is C-shaped as shown in figure 3. Element -22- is a lockable arm and inherently has a flexible state and a rigid state. A suspension is set forth in paragraph [0031] allowing translational and rotational movement.

Claims 102, 106, 107, 109-113 are rejected under 35 U.S.C. 102(b) as being anticipated by Spence et al (6,338,712, hereinafter Spence).

Claim 102 - element -200- is a suction member, flexible rim -204- (from distal end to shoulder -209-) is a compliant seal having a C-shaped cross section, element -324- is a support structure and element -316- is a suspension.

Claim 106 - rim -204 is integrally molded with the suction member.

Claim 107 - element -206- is a cup shaped member.

Claim 109 - arm -318- has a flexible and rigid state column 16 lines 12-43.

Claim 110 - suspension element -316- allows limited rotation.

Claim 111 - suspension element -316- allows multiplanar motion, column 15 lines 54-66.

Claim 112 - element -200- is a suction member, flexible rim -204- (from distal end to shoulder -209-) is a compliant seal having a C-shaped cross section.

Claim 113 - element -206- is a cup shaped member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 105 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spence et al (6,338,712 hereinafter Spence) as applied to claim 102 above and in view of Peng et al (2002/0058856, hereinafter Peng).

Claim 105 - the apparatus of Spence teaches a device as claimed but does not teach the materials used for the suction member or bonding the seal to the suction member. Peng teaches a suction cup -39- formed of silicone and bonding the seal -35- to the suction cup with an adhesive.

Claims 103-105 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spence et al (6,338,712 hereinafter Spence) as applied to claim 102 above and in view Sharrow et al (2003/0139646, hereinafter Sharrow).

The apparatus of Spence teaches a device as claimed but does not teach the materials used for the suction member gasket/seal or bonding/mechanically connecting the seal to the suction member.

Sharrow teaches the suction cups may be made of silicone, paragraph [0032] and that the seal may be adhesively bonded or mechanically bonded to the suction cup [0033]. The seal may be silicone as set forth in paragraph [0027].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents 5,782,746 and 6,558,314 teach related manipulation devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Gilbert whose telephone number is 571-272-4725. The examiner can normally be reached on Monday-Friday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel G. Gilbert/
Primary Examiner, Art Unit 3735

Samuel G. Gilbert
Primary Examiner
Art Unit 3735